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S/N 10/020,786

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	SIMMONS ET AL.	Examiner:	G. LEPPERS
Serial No.:	10/020,786	Group Art Unit:	1636
Filed:	DECEMBER 13, 2001	Docket No.:	11669.183USU1
Confirmation No.	9525	Customer No.	23552
Title:	PROKARYOTICALLY PRODUCED ANTIBODIES AND USES THEREOF		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on April 19, 2006.

By: *Elizabeth Lane*
Name:

REQUEST FOR RECONSIDERATION OF DECISION REGARDING
PATENT TERM ADJUSTMENT MAILED MARCH 31, 2006 AND
REQUEST FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the patent term adjustment indicated on the face of patent, U.S. Pat. No. 6,979,556 that issued on December 27, 2005, from the above-identified application. Please charge our Deposit Account No. 13-2725 in the amount of \$200.00 as set forth in 37 C.F.R. § 1.18(e) for the petition fee. This request for reconsideration is timely in accordance with the 30-day response period indicated in the Decision Regarding Patent Term Adjustment mailed March 31, 2006.

Statement of the Facts

1. The face of the issued patent indicates a patent term adjustment of 157 days.

Applicants respectfully submit that a patent term adjustment of 221 days is indicated by the Rules.

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6. Applicants acknowledge that the present Petition relates to events that occurred prior to payment of the issue fee. Applicants submit, however, that prior to payment of the issue fee, they were not entitled to an adjustment of the PTA since, even disregarding the 64 day delay, Applicants' total delay of 158 days (33 + 67 + 58 days as shown on PAIR) exceeded the total delays caused by the Patent Office. Subsequent to payment of the issue fee, however, the Patent Office incurred an additional delay under 37 CFR 1.702(a)(4) and 702(b) resulting in an overall delay of 379 days as indicated by PAIR, which exceeds Applicants' total delay by an amount more than the 64 days at issue in this Petition. Applicants submit, therefore, that the delays incurred by the Patent Office after payment of the issue fee now entitle Applicants to an adjustment of 64 days that was unavailable when the issue fee was paid. Consequently, the present after-issuance Petition is timely, since it relates to issues that could not have been raised under 37 CFR 1.705(b). See 37 CFR 1.705(d).

7.. Applicants submit that the present application is not subject to a terminal disclaimer.

8. It is Applicants' belief that there were no additional circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in 37 C.F.R. § 1.704, beyond the circumstances already indicated on the PAIR Patent Term Adjustment History and reflected in the 157 days of PTA currently granted to the present application.

9. For the foregoing reasons, Applicants respectfully request that the term of the U.S. Patent 6,979,556 be extended by an additional 64 days, resulting in a total PTA of 221 days, and that a Certificate of Correction be issued to that effect.

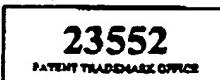
10. If there are any outstanding issues or a need for any clarification on this matter, the Patent Office is invited to telephone the undersigned attorney.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Date: April 19, 2006

Katherine M. Kowalchyk
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Reg. No. 36,848
KMK:sab



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Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: 06/14/06		2 Serial/Patent # 10/020,786			
3 Please refund the following fee(s):			4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
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